



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,549	11/30/2001	Michael C. Pak	NAI1P040/01.254.01	2631
28875	7590	05/19/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			PERUNGAVOOR, VENKATANARAY	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,549

Applicant(s)

PAK ET AL.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/12/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections – 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 9 is rejected as it is directed to non-statutory subject matter, as it discloses a computer program product per se.

Claim Rejections – 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant mentions malicious code is found for disabling the malicious code, it is unclear what is being disabled. The Examiner suggests "...cleaning the potentially malicious content which is disabling of malicious code".

Claim Rejections – 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2132

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,440,723 to Arnold et al.(hereinafter Arnold)
7. Regarding Claim 1, Arnold discloses the monitoring of network communications over a network and identifying potentially malicious content see Col 4 Line 60-Col 5 Line 68. Arnold further discloses the quarantining of malicious content see Col 7 Line 59- Col 8 Line 6; and testing of content see Fig 2 item B & Col 17 Line 50-63 & Abstract; and conditionally delivery communications see Abstract & Col. 24 Line 3-11.
8. Regarding Claim 2, The scanning the network communications for malicious content is disclosed by Arnold see Fig. 2 item B.
9. Regarding Claim 3, The malicious content includes a mass-mailer is disclosed by Arnold see Col 2 Line 14-25.
- 10.Regarding Claim 4, The identifying as malicious when instances greater than predetermined value is met by Arnold see Col 9 Line 61-68 & Col 10 Line 53-56.

11.Regarding Claim 5, The communication being electronic mail messages is disclosed by Arnold see Col 2 Line 13-26.

12.Regarding Claim 6, The message being identified as having an identical subject line greater than threshold value is met by Arnold see Col 7 Line 22-33 & Line 59- Col 8 Line 6.

13.Regarding Claim 7, The quarantining of code until being scanned is met by Arnold see Col 4 Line 35-52 & Fig. 2 item E

14.Regarding Claim 8, The cleaning of malicious content from the malicious code is met by Arnold see Col. 21 Line 34-42.

15.Regarding Claim 10, Arnold discloses the monitoring of network communications over a network and identifying potentially malicious content see Col 4 Line 60-Col 5 Line 68. Arnold further discloses the quarantining of malicious content see Col 7 Line 59- Col 8 Line 6; and testing of content see Fig 2 item B & Col 17 Line 50-63 & Abstract; and conditionally delivery communications see Abstract & Col. 24 Line 3-11.

16.Regarding Claim 11, Arnold discloses the monitoring of network communications over a network and identifying potentially malicious content see Col 4 Line 60-Col

5 Line 68. Arnold further discloses the quarantining of malicious content see Col 7 Line 59- Col 8 Line 6 & Abstract; the delivery of the network communications after predetermined delay is disclosed by Arnold see Col. 25 Line 32-40.

17.Regarding Claim 12, The scanning the network communications for malicious content is disclosed by Arnold see Fig. 2 item B.

18.Regarding Claim 13, The identifying as malicious when instances greater than predetermined value is met by Arnold see Col 9 Line 61-68 & Col 10 Line 53-56.

19.Regarding Claim 14, The communication being electronic mail messages is disclosed by Arnold see Col 2 Line 13-26.

20.Regarding Claim 15, The message being identified as having an identical subject line greater than threshold value is met by Arnold see Col 7 Line 22-33 & Line 59- Col 8 Line 6.

21.Regarding Claim 16, The delay is for quarantining the potentially malicious content until scanned is met by Arnold see Fig 2 item B & Col. 1 Line 45-63 & Col. 25 Line 31-40.

22.Regarding Claim 17, Arnold discloses the monitoring of network communications over a network and identifying potentially malicious content see Col 4 Line 60-Col 5 Line 68. Arnold further discloses the quarantining of malicious content see Col 7 Line 59- Col 8 Line 6 & Abstract; the delivery upon the approval of user is disclosed by Arnold see Col. 21 Line 25-34.

23.Regarding Claim 18, Arnold discloses the user being the intended recipient of the quarantined content see Col. 22 Line 15-20 & Col. 22 Line 37-44.

24.Regarding Claim 19, The scanning the network communications for malicious content is disclosed by Arnold see Fig. 2 item B.

25.Regarding Claim 20, The identifying as malicious when instances greater than predetermined value is met by Arnold see Col 9 Line 61-68 & Col 10 Line 53-56.

26.Regarding Claim 21, The communication being electronic mail messages is disclosed by Arnold see Col 2 Line 13-26.

27.Regarding Claim 22, The message being identified as having an identical subject line greater than threshold value is met by Arnold see Col 7 Line 22-33 & Line 59- Col 8 Line 6.

28.Regarding Claim 23, Arnold discloses the monitoring of incoming and outgoing network communications, scanning and identifying the network communications for malicious content see Col 4 Line 60-Col 5 Line 68; the identifying as malicious when instances greater than predetermined value is met by Arnold see Col 9 Line 61-68 & Col 10 Line 53-56; the number of identical instances being identified as having an identical subject line greater than threshold value is met by Arnold see Col 7 Line 22-33 & Line 59- Col 8 Line 6; quarantining of malicious content is disclosed by Arnold see Col 7 Line 59- Col 8 Line 6 & Abstract; the delivering upon scanning of malicious content, user request and passage of time see Col. 22 Line 25-34 & Col. 25 Line 32-45; the notifying the sender and the recipient and cleaning the malicious content see Col. 23 Line 49-65.

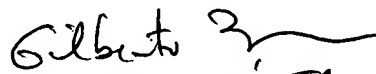
Conclusion

29.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
5/09/2005


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100